

- The authorized doctor determines what duty is appropriate for the restrictions. The doctor should be contacted for clarification if the employee believes the work is beyond the restrictions. Failure to report for light duty may terminate disability benefits.

### Should the injured employee receive doctors' bills?

A health care provider should not bill or sue the injured employee for all or part of the costs of health care services provided to the injured employee unless:

- (1) The injury is found by the court not to be compensable;
- (2) The doctor, who was not authorized by the employer at the time the services were rendered, knew that he/she was not an authorized physician; or
- (3) The employee knew the doctor was not authorized and it was not an emergency.

### Can I be fired for reporting a work injury?

It is unlawful for an employer to terminate an employee for reporting a work injury. Wrongful termination is not enforceable under Tennessee Workers' Compensation Law. The employee may wish to consult an attorney to pursue this cause of action through the court system.

### Will I have to use my own sick time?

Generally, no; however, an employee injured and off work less than 14 days is not paid for the first seven (7) days under Workers' Compensation Law. Consult your employer about the use of sick time for this time period.

### Is the injured employee paid for doctor's appointments during work hours?

Generally no, unless it is company policy.

### Statute of Limitations

Generally, the right to workers' compensation benefits is barred unless within one year after the injury occurred or the injured worker was informed his condition is permanent and related to his employment, workers' compensation benefits are paid or a Request for a Benefit Review Conference is filed with the Division.

### Where do I go if things do not work out?

If you have problems with any part of your claim, the state has a benefit review system that assists employees, employers, and insurance carriers with resolving disputes with workers' compensation claims. The Tennessee Department of Labor and Workforce Development's Workers' Compensation Division can be contacted at 1-800-332-COMP (2667) (TDD) or 615-532-4812. Information is also available on the Division's website at [www.tennessee.gov/labor-wfd/wcomp.html](http://www.tennessee.gov/labor-wfd/wcomp.html).



*Tennessee Department of Labor & Workforce Development; Auth No. 337394; 40,000 copies; \$.09 per copy; January 2005. The TDL&WD is committed to principles of equal opportunity, equal access, and affirmative action. Contact the TDL&WD EEO/AA coordinator or ADA coordinator at (615) 741-5292 for further information.*

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Department of Labor & Workforce Development  
Division of Workers' Compensation  
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# A Guide to Workers' Compensation



**Workers' Compensation  
Division**

**Workers' Compensation** In this brochure, we're outlining some of the basic facts about the Tennessee Workers' Compensation system. For additional information, call our toll free number at 1-800-332-2667 or visit our website at [www.tennessee.gov/labor-wfd/wcomp.html](http://www.tennessee.gov/labor-wfd/wcomp.html).

#### Who is covered?

- Every employer with five or more full or part-time employees.
- All contractors in the construction industry must have coverage if they have one or more employees.
- Employers engaged in the mining and production of coal.
- Certain employers, such as farm labor, domestic help, and governments, are exempt, but may elect workers' compensation coverage.

#### Who pays Workers' Compensation benefits?

Benefits are paid by the employer or the employer's insurance carrier. The Tennessee Department of Labor and Workforce Development does not pay workers' compensation benefits.

#### What should I do if I am injured at work?

- Report all injuries immediately to your employer.
- Employer notification is required by law within 30 days of the date of injury, preferably in writing.
- The employer completes a First Report of Injury and offers the employee a panel of doctors for treatment.
- The employee selects one of the doctors, who becomes the authorized treating doctor and provides treatment at the employer's expense.
- A signed Form C42, "Agreement Between Employer/Employee Choice of Physician" must be completed. A copy of

this completed form must be provided to the employee. The employer must keep the original form on file and upon request provide a copy to the Division of Workers' Compensation.

- If you have problems with any part of your claim, the state has a benefit review system that assists employees, employers and insurance carriers with resolving disputes with workers' compensation claims. The Tennessee Department of Labor and Workforce Development's Workers' Compensation Division can be contacted at 1-800-332-COMP (2667) (TDD) or 615-532-4812. Information is also available on the Division's website at [www.tennessee.gov/labor-wfd/wcomp.html](http://www.tennessee.gov/labor-wfd/wcomp.html).

#### What am I entitled to?

Employees who have suffered a compensable work injury are entitled to receive the following:

##### A. Disability Benefits

- Weekly benefits are paid if the authorized treating doctor finds that the employee is unable to work due to the injury.
- Compensation is not paid by this Division, but by your employer's insurance carrier, unless your employer is self-insured. If your employer is self-insured, compensation is paid directly by your employer or its representative. If your injury is determined to be compensable and you are unable to work, you will be paid temporary benefits. The amount of your benefits are calculated using two-thirds (2/3) of your average weekly wage over the fifty-two (52) weeks prior to the injury. The average of your gross wages will determine your weekly rate. The Workers' Compensation Law sets limits on the maximum and minimum amounts of weekly compensation paid to injured employees.
- If you have problems with any part of your claim, the state has a benefit review system that assists employees, employers and insurance carriers with resolving disputes

with workers' compensation claims. The Tennessee Department of Labor and Workforce Development's Workers' Compensation Division can be contacted at 1-800-332-COMP (2667) (TDD) or 615-532-4812. Information is also available on the Division's website at [www.tennessee.gov/labor-wfd/wcomp.html](http://www.tennessee.gov/labor-wfd/wcomp.html).

##### B. Medical Benefits

- The employer is to provide, free of charge, a panel of three doctors. If the injury is to the back, the panel must include a chiropractor. Chiropractic visits are limited by law to twelve (12) visits.
- If specialized treatment is required, the authorized treating doctor may refer the employee for such specialized treatment.
- Medical treatment extends for as long as required by the authorized treating doctor. If appropriate, the doctor will provide the employee with off-work excuses and light or restricted duty limitations. It is very important that the authorized treating doctor's instructions and restrictions be followed at all times.
- Mileage reimbursement for travel to and from medical treatment is allowed if travel, either to or from medical treatment, exceeds 15 miles. The mileage rate is based on current mileage allowance for Tennessee state employees.

##### C. Permanent Disability and Final Settlement

- When the injury has healed, the injured employee will be released from the doctor's care.
- If the injured employee does not recover completely, the doctor will determine maximum medical improvement (MMI) and may assign a permanent disability rating.
- The disability rating, combined with vocational factors, may result in a permanent disability award.
- Workers' Compensation Specialists with the Tennessee Department of Labor and Workforce Development provide, at no cost to the parties, informal Benefit Review Conferences to assist the parties in reaching a final

agreement or settlement of the claim. Please complete Form C40B Request for Benefit Review Conference and submit it to the Workers' Compensation Division to request a Benefit Review Conference.

##### D. Death Benefits

- When an injury results in the death of a covered employee, benefits are available to the surviving dependents.
- Burial expenses for the deceased employee are paid, not to exceed seven thousand five hundred dollars (\$7,500).
- When the deceased employee leaves no dependents, \$20,000 shall be paid to his or her estate.

#### What if I do not agree with the findings of the doctor I have selected from the employer's panel?

- Under Tennessee law, the employer or insurance carrier is not required to offer a second opinion; if asked, however, the insurance carrier or employer MAY provide a second opinion.
- The employee may always seek a second opinion or obtain treatment with any physician at his/her own expense; however, only the restrictions of the authorized doctor must be followed by the employer.

#### What if the authorized doctor orders light or restricted duty?

- If the authorized doctor returns the employee to work with specific temporary restrictions (light duty) and the employer can provide a job within the restrictions, the employee MUST return to work and attempt the light duty.
- The employee may qualify for temporary disability benefits if the employer cannot provide a job within the restrictions given by the authorized doctor.